STATE OF MICHIGAN

COURT OF APPEALS

MEREDITH TAYLOR-MAGEE,

Plaintiff-Appellee,

v

ALLSTATE INSURANCE COMPANY,

Defendant,

and

BERNSTEIN & BERNSTEIN,

Appellant.

UNPUBLISHED
March 22, 2007

No. 266361
Genesee Circuit Court
LC No. 04-079779-NF

Before: Hoekstra, P.J., and Markey and Wilder, JJ.

PER CURIAM.

Appellant appeals by leave granted an order denying its motion to withdraw as counsel for plaintiff in this case. We affirm. This appeal is being decided without oral argument under MCR 7.214(E).

Appellant argues that the trial court abused its discretion by denying its motion to withdraw as plaintiff's counsel. We disagree.

An attorney who has entered an appearance may withdraw from an action only on order of the court. MCR 2.117(C)(2); *Coble v Green*, 271 Mich App 382, 386; 722 NW2d 898 (2006). Accordingly, a judge presiding over a case has authority to control whether a law firm may withdraw from representing a client. *Keywell & Rosenfeld v Bithell*, 254 Mich App 300, 345; 657 NW2d 759 (2002). We review a decision regarding a motion to withdraw as counsel for an abuse of discretion. *In re Withdrawal of Attorney*, 234 Mich App 421, 431; 594 NW2d 514 (1999). Generally, a trial court does not abuse its discretion if it selects a reasonable and principled outcome. *Maldonado v Ford Motor Co*, 476 Mich 372, 388; 719 NW2d 809 (2006).

Although the Michigan Rules of Professional Conduct do not expressly apply to a motion to withdraw, it is logical "to consider the question of withdrawal within the framework of our

code of professional conduct." *In re Withdrawal of Attorney*, *supra* at 432. In arguing that it should have been allowed to withdraw in this case, appellant relies on the following language in MRPC 1.16(b):

> [A] lawyer may withdraw from representing a client if withdrawal can be accomplished without material adverse effect on the interests of the client, or if:
>
> * * *
>
> (5) the representation . . . has been rendered unreasonably difficult by the client; or
>
> (6) other good cause for withdrawal exists.

While apparently not contending that it could withdraw without material adverse effect on plaintiff, appellant contends that it was nevertheless entitled to withdraw because she has made appellant's continued representation of her unreasonably difficult, and/or that the circumstances provided other good cause for withdrawal.

We conclude that the trial court did not abuse its discretion in denying appellant's motion to withdraw as counsel. The trial court reasonably considered that plaintiff's grievance and allegations appeared to have been directed at only one attorney in appellant law firm, and that it would seem difficult for plaintiff to obtain another attorney to represent her in light of the progression of this case. Further, the trial court's suggestion that appellant assign a different attorney to represent plaintiff was a reasonable way for appellant to reduce any continued difficulty in representing plaintiff. We recognize that continued representation of plaintiff may entail some difficulty for appellant. However, regardless of whether we would have reached the same result as did the trial court, the trial court did not reach an unreasonable or unprincipled outcome in deciding to deny the motion to withdraw. The trial court advanced reasonable concerns that support a conclusion that it would not be unreasonably difficult for appellant to continue to represent plaintiff and that good cause for withdrawal did not otherwise exist.

In this regard, the use of the phrase "unreasonably difficult" in MRPC 1.16(b)(5) suggests that some level of difficulty in representing a client is not a sufficient reason to withdraw. Further, contrary to the possible implication of appellant's argument, it was not inappropriate for the trial court to consider the difficulty that plaintiff might face in finding replacement counsel in determining whether continued representation of her would be *unreasonably* difficult for appellant. Rather, it is reasonable to expect a law firm to tolerate a higher degree of difficulty in representing a client where it would seem difficult for the client to obtain replacement counsel than if replacement counsel would seem easily obtained, so that this is one factor appropriately considered in determining whether continued representation would be unreasonably difficult.

We also note that, contrary to the suggestion of appellant's statement of the question

presented, we find nothing to reasonably indicate that the trial court's denial of its motion to withdraw was based on concern with "its own trial docket."

We affirm.

/s/ Joel P. Hoekstra
/s/ Jane E. Markey
/s/ Kurtis T. Wilder